

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS GESUALDI, LOUIS BISIGNANO, :
MICHAEL O'TOOLE, MICHAEL C. BOURGAL, :
DARIN JEFFERS, FRANK H. FINKEL, MARC :
HERBST, THOMAS CORBETT, ROBERT G. : Civil Action No.:
WESSELS and ROCCO TOMASSETTI, SR., as : 2:24-cv-02049-SIL
Trustees and Fiduciaries of the Local 282 Welfare :
Trust Fund, the Local 282 Pension Trust Fund, the :
Local 282 Annuity Trust Fund, the Local 282 Job :
Training Fund, and the Local 282 Vacation and Sick :
Leave Trust Fund, :
Plaintiffs, :
vs. :
GWA MECHANICAL INC., :
Defendant. :
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DEFAULT JUDGMENT AND ORDER

This action having been commenced on March 20, 2024 by the filing of the Complaint and the issuance of the Summons; a copy of the Summons and Complaint having been served on March 22, 2024 on Defendant GWA Mechanical Inc. (“GWA”), a corporation incorporated in or licensed to do business in New York, by service on an authorized agent in the New York State Secretary of State’s Office, and proof of service having been filed with the Clerk of Court on March 22, 2024; said Defendant not having answered the Complaint; and the time for answering the Complaint having expired; said default being willful because of the failure of the Defendant to answer, prejudicial to Plaintiffs in light of the statutory policy favoring the efficacious resolution of collection actions by employee benefit funds under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”); and the Defendant lacking a meritorious defense; it is:

ORDERED, ADJUDGED AND DECREED that:

GWA is liable to Plaintiffs in the amount of \$517,365.98, consisting of:

- (a) \$3,514.01 in audited contributions due for the period from September 1, 2018 through October 1, 2019;
- (b) \$332,230.80 in estimated contributions for October 2021 through March 2024;
- (c) \$79,296.07 in total interest, plus owes \$165.57 in per diem interest (which begins accruing on June 11, 2024);
- (d) \$93,371.88 in liquidated damages;
- (e) \$1,353.93 in audit fees; and
- (f) \$7,599.29 in attorney's fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

GWA submit all outstanding remittance reports to Plaintiffs; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

GWA submit its books and records to audit by Plaintiffs for all unaudited periods.

SO ORDERED.

Dated: _____
Brooklyn, New York

Steven I. Locke, U.S.M.J.